IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7623 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R. TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NARAYAN MAGANLAL OZA

Versus

A V JASANI TB HOSPITAL

Appearance:

MR DM THAKKAR for Petitioner

MR SHIRISH JOSHI for Respondent No. 1

CORAM : MR.JUSTICE RAVI R. TRIPATHI

Date of decision: 15/12/2000

ORAL JUDGEMENT

The present Special Civil Application is filed being aggrieved of the award passed in Reference (LCR) No.310 of 1984, by the Labour Court, Rajkot dated 25.1.1991.

2. Learned advocate appearing for the petitioner submitted that the petitioner was appointed as Administrative Officer by order dated 11.8.1982 for a period of two months. Thereafter, the period of probation was extended for three months on 10.10.1982. As averred in the petition, the petitioner was then allowed to continue to work for a further period of two months from 9.1.1983 as a Head Clerk. The details are set out in para 4 of the Award. A case is sought to be made out that the petitioner was forced to tender resignation and before it could be accepted the petitioner withdrew the same on 11.4.1983. Thereafter, petitioner was allowed to continue to serve as Head Clerk. However, the petitioner's service came to be terminated on 20.4.1983. It is against this order of termination that the aforesaid proceedings were filed before the Labour Court and the same are decided by the aforesaid award dated 25.1.1991. The Labour Court has held that even if the authorities have not mentioned specifically the reasons for termination in an order terminating the services of the petitioner, a copy of which was at exh.27 before the Labour Court, the same is not illegal, because admittedly the workman was on probation for two months only as Head Clerk and as the opponent did not find his work as Head Clerk satisfactory, the petitioner's services were terminated. The Labour Court has also recorded that the workman has, in his deposition, admitted that one month's notice pay was sent to him by Money Order, but the same was sent only after termination of services. The Labour Court has taken into consideration various aspects as discussed in para 17 of the Award and came to the conclusion that reinstatement was not required to be directed and that the interest of justice would be served if an amount of Rs.5000/- is ordered to be paid by way of retrenchment compensation. Said amount of retrenchment compensation is received by the petitioner.

3. In view of the aforesaid discussion, no case is made out for interference with the award of the Labour Court by this Court. Hence the petition is dismissed. Rule is discharged with no order as to costs.

15th December 2000 (Ravi R. Tripathi, J.)

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